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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,835	09/07/2004	Yumin Wei	NL 020185	8926

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EXAMINER	
ANDRAMUNO, FRANKLIN S	
ART UNIT	PAPER NUMBER
2623	
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05/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/506,835	WEI, YUMIN	
	Examiner	Art Unit	
	FRANKLIN S. ANDRAMUNO	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/31/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/31/08 have been fully considered but they are not persuasive. Applicant's point regarding the language of "installing only a subset of channels" is understood. However, Staron clearly shows the well known step of auto programming by use of a microprocessor. Klarfeld shows reducing the number of channels that are programmed in by software and a CPU. Thus, the only real difference between the prior art and the invention is what step this takes place at. Since all the elements are known, and could be implemented by known programming techniques to establish a predictable result of fewer channels based on language, a prima facie case of obviousness has been made as defined by the supreme court in KSR Int vs Teleflex. Further, neither applicant's spec nor the prior art teach that the pre installing is different than the post installing. In other words, they are both implemented the same way by software and the time when that happens is not critical to the invention. Klarfeld shows that it can be done by any user at any time, so it is clearly within the level of one of ordinary skill to do the selection at the beginning or initialization.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staron (Patent Number 5,805,230) in view of Klarfeld et al (Pub Number 2006/0206912 A1). Hereinafter referred as Staron and Klarfeld.

Regarding claim 1, Staron discloses a method of installing channels in a broadcast receiver **(Automatic programming tuner (30) in figure 2)**, the method including the steps of: determining a user interest profile based on at least one category of preference; and installing of all channels available in a broadcast network only a subset that meets the user interest profile. **However, Staron fails to include** the use of a preference profile to determine addition or extraction of programs. Klarfeld, discloses in figure 1 of a preference database (106) which is used to select the programming type for TV users. Also figure 1 discloses a list of TV programs (105) that are given available to clients based on their preferences. Also, wherein the user interest profile is based on at least one of the following categories of preference: language of a channel **(paragraph (2487) lines 7-10)**; country/area of a service provider associated with a channel; and type of a channel **(Message Enter Zip Code (21) in figure 2 Staron)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Staron's invention to include a preference list to eliminate a list of TV programming. This combination is useful because it allows for programs to be removed before they are displayed.

Regarding claim 3, Staron discloses a method as claimed in claim 1, wherein the method includes automatically retrieving, for all available channels, channel-specific information on the preference category for the channel **(Scan List of zip code pairs (26) in figure 2)**.

Regarding claim 7, Klarfeld discloses a method as claimed in claim 1, including determining for a plurality of users a respective user interest profile and installing of all available channels only a subset that meets at least one of the respective user interest profiles **(Available program info (186) in figure 14)**.

Regarding claim 8, Staron discloses a method as claimed in claim 1, including enabling a user to update the user interest profile after installation has been completed **(Update Past User Selection History (215) in figure 18A)**, de-installing installed channels that no longer meet the updated user interest profile **(Remove the least relevant record from the past history (221) in figure 18B)**, and installing all available channels that meet the updated user interest profile and are not yet installed **(Move this record to past selection history (222) in figure 18B)**.

Regarding claim 9, Staron discloses a method as claimed in claim 1, including storing at least part of the user interest profile **(Recording Manager (112) in figure 1)**

and using the stored part of the user interest profile to enable user-specific usage of the broadcast receiver after installation **(Program Source Switch (114) in figure 1)**.

Regarding claim 10, Staron discloses a method as claimed in claim 7, including using the stored part of the initial user interest profile for selecting and/or ranking programs broadcast or to be broadcast via the installed channels **(Program Ratings (302) in figure 25)**.

Regarding claim 11, Staron discloses a broadcast receiver including: a receiver/decoder **(Router And Formatter (43) in figure 29)** for selectively receiving a broadcast channel from a plurality of broadcast channels available in a broadcast network and receiving signals broadcast via the selected channel **(Channel 1 and Channel 2 in figure 29)**; means for obtaining a user interest profile based on at least one category of preference **(Critique, Attributes, Traits in figure 30)**; and an installer operative to install of all channels available in the broadcast network only a subset that meets the user interest profile **(Remove the least relevant record from the past history (221) in figure 18B)**.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staron (Patent Number 5,805,230) in view of Klarfeld et al (Pub Number 2006/0206912 A1) in view of Lin (Patent Number 6,934,917B2). Hereinafter referred as Staron, Klarfeld, and Lin.

Regarding claim 4, Klarfeld discloses a method as claimed in claim 3, wherein the step of retrieving the channel-specific information for all available channels includes for each one of plurality of distinct frequency bands **(Figure 8)**: causing a receiver/decoder **(Router And Formatter (43) in figure 29)** of the broadcast receiver to tune to the frequency band **(page 13 paragraph (0170))**; and extracting, from a stream of digital data broadcast via the band, the channel-specific information for at least one of the channels transmitted in the band. **However, Klarfeld fails to include** the extracting of a stream of digital data via the band. Lin teaches of an option **(delete channel (98) in figure 3).** Figure 4 also displays a **(Scan all Favorite channels (180))** to determine if channels need to be added or subtracted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Staron's invention to include the extraction of unnecessary TV programs not suitable to user's interest. This is a useful combination because it saves time to people not willing to search through an entire database of channels.

Regarding claim 5, Staron discloses a method as claimed in claim 3, wherein in the step of retrieving the information includes causing a receiver/decoder **(Router And Formatter (43) in figure 29)** of the broadcast receiver to tune to a predetermined frequency band; and extracting, from a stream of digital data broadcast via the predetermined frequency band, the channel-specific information for at least one channel transmitted in a different frequency band.

Regarding claim 6, Staron discloses a method as claimed in claim 3, wherein the broadcast receiver includes at least two receiver/decoders **(Router And Formatter (43) in figure 29)**, the method including enabling a user to receive broadcast audio/video signals via an already installed channel **(Channel 1 in figure 29)** using a first one of the receiver/decoders while using a second one of the receiver/decoders **(Channel 2 in figure 29)** to receive the channel-specific information **(Favorite Channel List (95) in figure 3)**.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number

is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623